

HOW WE BILL FOR FAMILY LAW SERVICES

Thank you for inquiring about our services. Our staff charges on an hourly basis for services performed as of the 25th of each month. In addition, we charge for any out-of-pocket expenses (such as private investigators, court reporters, or filing fees) paid by us on your behalf during the prior 30 days. Our invoices are generally in the mail by the 30th and payment is due not later than the fifteenth of each month.

ABOUT YOUR RETAINER ACCOUNT

When you retain us, you are asked to make as an initial deposit into your retainer account an amount estimated to be sufficient to file your case, cover your initial interviews, contact and make an offer of settlement, and, if accepted, draft and file all remaining documents necessary to secure the rights you are seeking. If your case is likely to be contested in any way, we request a retainer sufficient to cover the additional costs of discovery (the exchange of documents and other evidence required by law) and to cover some of the preliminary negotiations with the opposing attorney.

WHAT WILL MY TOTAL FEES BE?

Of course, it is not possible to accurately predict the total costs of litigation, but experience has taught us that the following circumstances will certainly increase your total legal expenses:

1. Extremely hostile relationships between the parties (frequent, bitter arguments, name-calling, physical violence, or threats).
2. Complex, financial circumstances, including division of inheritances, family businesses, retirement plans, timeshares, and high levels of family debt.
3. Refusal by either side to produce unaltered documents, pay stubs, bank statements, etc.
4. Bad behavior by either side, such as denial of parenting time, malicious destruction or disposal of marital property, secret dealings, etc.

WHAT IF WE NEVER SETTLE?

It is not uncommon for parties exhibiting some or all of the above behaviors to be required to appear in court several times over a period of 7 to 18 months. Such “interim” hearings are very costly and should be avoided, if possible. In addition, a full divorce trial will often last two to five days and will require eight to twelve hours of preparation

for every 8 hours in the courtroom. *In these extreme cases, attorney fees and costs may well exceed \$20,000 to \$50,000 or more for each side.*

WHAT CAN I DO TO KEEP MY ATTORNEY FEES DOWN?

Nobody wants to waste money on lawyers, especially during a divorce. We will be working very hard to get the best possible result for you at the most reasonable cost. Here are some strategies to help you help us...

1. **Protect Yourself.** Assume all of your telephone calls with the opposing party may be recorded. Try not to show extreme anger - do not threaten the other party in any way. It can be very embarrassing (and could hurt your chances of winning in court) if the other party brings a tape into Court (or to the child custody expert or the mediator) in which you have said unkind things or threatened him/her. Assume all your letters will be read by the Judge. Don't quote your lawyer or give "your closing argument" in emails and letters. *If there has been any violence in the past, tell your attorney at once!*
2. **Keep Calm.** If we can work out even a partial settlement in the very beginning, this can help make matters go more smoothly throughout litigation. Remember, once the reality of your litigation hits both parties (or when one party becomes involved with a "significant other"), emotions can heat up quickly. Try not to have a "get even" attitude during litigation. When you try to use the Courts to get even, most often you will be hurt and disappointed with the end results. Cooperation in coming to an acceptable settlement will be most beneficial for both parties and most of all for minor children (if any). If the other party becomes hostile, leave the room or get off the phone. You are unlikely to change his/her mind no matter how you argue! Arguments only solidify each side's point of view.
3. **Let your attorney take the blame.** Let your attorney take the blame when the other party is angry at you. Tell him/her your lawyer is making the decisions; that's what you are paying for.
4. **Keep the children out of the battlefield.** Entirely out. They should not be expected to choose sides between people they love. *Do not initiate conversations with them about litigation. Do not discuss litigation in their presence. Even 3-year-olds will listen intently to your conversations with your lawyer or friends. Do not use children as weapons or bargaining chips.*
5. **If you want Shared Custody.** If you desire to share custody with your spouse or to have ample parenting time, you must convince your spouse, the Court or to a child-custody specialist that you can work together for the benefit of the child(ren). In Oregon, absent an agreement, it is impossible for a Judge to give custody to both parties. You must be willing to **compromise, compromise, compromise.**

6. **Know your “Deal Breaker.”** Decide what really matters, discuss this “deal breaker” with your lawyer, and be flexible on everything else. Let the opposing party know you will not budge on “the big issue(s).”

Remember, we want to help you achieve your legal goals in a cost effective manner, and then move on with your life. Make sure we understand what is most important to you, and what your budget will allow. You are our most important partner, especially in family law disputes!